

U.S. Patent Appln. No. 09/676,545
Amendment Dated May 7, 2004
Reply to Office Action of Jan. 30, 2004
Docket No. 6169-140

IBM Docket No. BOC9-1999-0082

REMARKS/ARGUMENTS

These remarks are submitted responsive to the office action dated January 30, 2004 (Office Action). This response has been filed with a request for a one-month extension of time and the appropriate fee.

In paragraphs 2-3, the Examiner has rejected claims 1-9, 17-18, and 21-27 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,442,390 to Hooper, *et al.* (Hooper). The Applicants have amended independent claims 1 and 21 to clarify that both the first and second client devices belong to, or are associated with, a first or same user. Claims 21-27 have been cancelled. No new matter has been added by this amendment.

Prior to addressing the rejections on the art, a brief review of the Applicants' invention is in order. The Applicants have invented a method for providing configurable access to media in a media-on-demand system. The method can include delivering the media to a first client device through a first communications link. The first client device is associated with a first user. A bookmark specifying a position in the media can be recorded. The media can be delivered to a second client device through a second communications link. The delivery of the media to the second device can begin at the position specified by the recorded bookmark.

The second communications device also can be associated with the first user. This allows a user to begin accessing media through a first communications device, and resume watching the media at or about the bookmarked location, but using a different communications device. For example, the user can begin viewing content at home through a set-top box and continue viewing the content via a wireless device while on the way to work. Continued viewing through the second client device takes place over a different communications link than originally established with the first client device.

Turning to the rejections on the art, claims 1-9, 17-18, and 21-27 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Hooper. Hooper discloses a system for interactively viewing video. The Hooper invention allows a user to view any portion of the selected video interactively. While Hooper discloses a video on-demand system, Hooper fails to teach or suggest how to provide media to a first client device, bookmark a position within the

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content, and the resume the delivery of content to a second and different client device from the bookmarked position.

The Applicants' claims explicitly state:

- delivering the media to a first client device through a first communications link, wherein said first client device is associated with a first user;
- recording a bookmark specifying a position in the media; and
- delivering the media to a second client device through a second communications link, said delivery to said second client device beginning at said position specified by said recorded bookmark, wherein said second client device also is associated with said first user.

The Examiner has cited Figure 4, step 420 and column 8, lines 4-12 of the Hooper specification for the proposition that Hooper teaches that the user can pause a requested program or service and resume at any location by accessing the video on-demand system using their ID. At column 8, lines 4-12, Hooper states that:

In step 420, after the connection is established, the CPE 10 is connected to the IGU 31 of the gateway server 21 for identifying the customer by using the subscriber data base 33 maintained by the gateway server 21. The subscriber data base 33 can include, in addition to billing and other administrative information, a description of the configuration of the CPE 10 so that the video on-demand system 20 can determine how to communicate with the CPE 10 of a particular customer.

The above passage illustrates only that the CPE 10 can be identified by the gateway server 21. Hooper suggests only that a user's CPE 10 can be identified so that the video on-demand system 20 can determine how to communicate with the CPE 10.

Significantly, Hooper does not teach or suggest that media can be sent to a second client device over a second communications link beginning from the bookmark or that the second client device is associated with the same user as the first client device. This is the case because Hooper, in contrast to the present invention, teaches a static configuration where a user accesses the video on-demand system via a single CPE 10. The various CPE's disclosed in Figure 1 of the

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Hooper specification are not associated with a single user, but rather represent a plurality of users where each has a single CPE.

By comparison, the present invention is dynamic in that a user can access media using more than one device. The user can begin accessing media from the first device and continue accessing the media from a second device. Continued access on the second device begins from a bookmarked location in the media which represents the point at which the user stopped accessing the media from the first device. Hooper does not teach or suggest such functionality.

Column 15, line 48 – column 16, line 6 has been cited for the proposition that Hooper teaches how to bookmark with cache memory. The cited portion of Hooper only discloses that the user can specify an offset into the video segment. If the portion of video desired by the user already has been stored in the cache, then the CPE can play the video. If not, the CPE can request the desired portion of video from the video on-demand system. Thus, Hooper teaches that a particular portion of video can be requested by the user. Nowhere in the cited passage, however, does Hooper teach or suggest that media can be delivered to a second client device over a second communications link beginning at the bookmarked position.

As Hooper does not teach or suggest the Applicants' invention as claimed, withdrawal of the 35 U.S.C. § 102(b) rejection with respect to claims 1-9 and 17-18 is respectfully requested.

The Applicants believe that this application is now in full condition for allowance, which action is respectfully requested. The Applicants request that the Examiner call the undersigned if clarification is needed on any matter within this Amendment, or if the Examiner believes a telephone interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,

Date: 5/7/04

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